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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,573	10/24/2003	Takanori Isozaki	244333US0	6951
22850	7590	02/06/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
VARGOT, MATHEU'D				
ART UNIT		PAPER NUMBER		
1791				
NOTIFICATION DATE		DELIVERY MODE		
02/06/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/691,573

Applicant(s)

ISOZAKI ET AL.

Examiner

Mathieu D. Vargot

Art Unit

1791

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18, 20, 21, 25-34, 36, 37 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18, 20, 21, 25-34, 36, 37 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 20, 21, 24-34, 36, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Racich et al in view of Sanefuji et al essentially for reasons of record noting the following.

Applicant has changed the upper limit for the ratio of A/B, the lower limit for the ratio of A/C and added new claim 39 that further defines the ratio of A/C. However, it is submitted that neither these amendments nor the new claim would be allowable over the prior art. It is respectfully submitted that one of ordinary skill in this art would have found the instant value for parameter A and the ratios of A/B and A/C to have been obvious and readily determined through routine experimentation from the disclosures of the references. It is not believed that changing the limits of the ratios so amended has any bearing on the patentability of the claims. For one thing, the upper limit for the ratio of A/B is described in the instant specification as not being critical, but merely that ratios of greater than 3 should be avoided. There is no criticality for a ratio necessarily less than the instant value of 1.5. Also, it would appear that any differences between the lower limit of the A/C ratio and that shown in the primary reference would have been readily determined through routine experimentation. When the general process parameters are taught in the prior art, it is up to applicant to show conclusively that the prior art cannot meet the instant numerical values and further that such values would

not have been obvious thereover—ie, that there is an unexpected benefit for the instant values not seen with the prior art values. In the instant case, it is not clear that the prior art cannot meet the instant values, at least those that are deemed to be critical to the formation of a good polarizer. Further, there is no clear showing of any unexpected benefit for the instant values. Applicant has provided comparative examples but has not demonstrated on record why the comparative examples do not provide an acceptable liquid display for a television. Also, it should be noted that the instant claims are not so limited—they only recite a polarizing film. It would appear that further testing is necessary and that perhaps applicant would have to test the instant polarizer against that disclosed in Racich et al. Certainly, for any submission of unexpected results, the claims would have to be commensurate in scope with that submitted to be unexpected.

2. Applicant's arguments filed November 21, 2008 have been fully considered but they are not persuasive. Applicant's comments have been essentially addressed in the rejection *supra*. The differences between the instant numerical values and that shown in Racich et al are submitted to be not that different, at least not distinct enough to impart patentability to the instant claims. While it is true that numerical values have been calculated from the process of Racich et al, this is merely to show that the instant process would have been rendered obvious from the general prior art parameters. The fact that a prior art process does not explicitly recognize certain ratios does not mean that a positive recitation of these ratios makes a process patentable over the prior art. There has to be some reason as to why the instant numerical values would not have been obvious and it is submitted that such has not been adequately demonstrated.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
January 31, 2009

/Mathieu D. Vargot/
Primary Examiner, Art Unit 1791